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5   UNITED STATES DISTRICT COURT

6   EASTERN DISTRICT OF WASHINGTON

7   ASIL LEON HUBLEY,
                                              NO: 2:17-CV-17-RMP
8   Plaintiff,
                                              ORDER DISMISSING ACTION
9   v.

10   SPOKANE COUNTY and SCOTT
     BAUN,
11
                          Defendants.
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13   By Order filed March 13, 2017, the Court directed Plaintiff, a prisoner

14   currently housed at the Washington Correction Center in Shelton, Washington, to

15   show cause why he should be granted leave to proceed *in forma pauperis* in this

16   action, ECF No. 6. Plaintiff did not respond to the Order or file anything further in

17   this action.

18   Plaintiff does not refute the finding that he has filed three or more actions,

19   while incarcerated, which were dismissed as frivolous, malicious, or for failure to

20   state a claim upon which relief may be granted. *See* 2:15-cv-00350-SMJ; 2:16-cv-

21   00058-RMP; and 2:16-cv-00178-RMP. He has presented no facts from which the

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Court could infer that he is under imminent danger of serious physical injury. Consequently, Plaintiff is not eligible to proceed *in forma pauperis* under 28 U.S.C. § 1915(g). *See O'Neal v. Price*, 531 F.3d 1146, 1153 (9th Cir. 2008); *Andrews v. King*, 398 F.3d 1113, 1116 n. 1 (9th Cir.2005) (noting the "three strikes" terminology).

Therefore, **IT IS ORDERED** Plaintiff's application to proceed *in forma pauperis,* ECF No. 2, is **DENIED.** Because Plaintiff did not pay the $400.00 fee ($350.00 filing fee plus $50.00 administration fee) as instructed in the Court's prior Order, **IT IS FURTHER ORDERED** this action is **DISMISSED** for non-payment of the filing fee as required by 28 U.S.C. § 1914.

IT IS SO ORDERED. The Clerk of Court is directed to enter this Order, enter judgment, forward a copy to Plaintiff, and close the file. The Court certifies any appeal of this dismissal would not be taken in good faith.

DATED April 13, 2017.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
United States District Judge

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